

Tuesday - April 14, 1992 - 4:00 p.m.

Asheville Civic Center - Banquet Room

Regular Meeting

Present: Mayor Kenneth M. Michalove, Presiding; Vice-Mayor Eugene W. Ellison; Councilwoman Barbara Field; Councilmen William G. Moore, Chris J. Peterson, Joseph Carr Swicegood and Charles R. Worley; City Attorney William F. Slawter; City Manager Douglas O. Bean; and Associate City Manager/City Clerk William F. Wolcott Jr.

Absent: None

INVOCATION

Councilman Peterson gave the invocation.

MEMORY OF ROBERT MCDONALD

Mayor Michalove asked for a moment of silence due to the unexpected death on April 11, 1992, of Robert McDonald who was the City's Traffic Engineer.

WHITEWATER CANOE AND KAYAK PRACTICE COURSE

Ms. Ann Orr, on behalf of the State of North Carolina, was pleased to announce that the State has awarded the City of Asheville a grant in the amount of \$30,000 for the construction of the whitewater canoe and kayak practice course. She said the funds will be administered through Riverlink.

Ms. Karen Cragolin described the two phases of the practice course.

APPROVAL OF MINUTES

Mayor Michalove announced the approval of the April 7, 1992, City Council minutes, as amended.

I. PROCLAMATIONS:

A. PROCLAMATION PROCLAIMING THE WEEK OF APRIL 19-25, 1992, AS "BETA SIGMA PHI WEEK"

Mayor Michalove read the proclamation proclaiming the week of April 19-25, 1992, as "Beta Sigma Phi Week" in the City of Asheville and presented it to Ms. Kathy Eaton who described some activities which will be taking place.

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B. PROCLAMATION PROCLAIMING THE WEEK OF APRIL 12-18, 1992, AS "BUILDING SAFETY WEEK"

Mayor Michalove read the proclamation proclaiming the week of April 12-18, 1992, as "Building Safety Week" in the City of Asheville and presented it to Mr. Bob Hixson, Director of Building Inspections, who recognized several City inspectors.

C. PROCLAMATION PROCLAIMING THE WEEK OF APRIL 26 - MAY 3, 1992, AS "DAYS OF REMEMBRANCE OF THE VICTIMS OF THE HOLOCAUST WEEK"

Mayor Michalove proclaimed the week of April 26 - May 3, 1992, as "Days of Remembrance of the Victims of the Holocaust Week" in the City of Asheville.

D. PROCLAMATION PROCLAIMING THE WEEK OF APRIL 20-26, 1992, AS "COMMUNITY DEVELOPMENT WEEK"

Mayor Michalove read the proclamation proclaiming the week of April 20-26, 1992, as "Community Development Week" in the City of Asheville and presented it to Mr. Marvin Vierra, Community Development Director, who described some activities which will be taking place.

II. PUBLIC HEARING:

A. PUBLIC HEARING RELATIVE TO ADOPTION OF AN ORDINANCE DIRECTING THE DIRECTOR OF BUILDING INSPECTIONS TO DEMOLISH THE DWELLING LOCATED AT 18 IVEY STREET.

ORDINANCE NO. 1968 - AN ORDINANCE DIRECTING THE DIRECTOR OF BUILDING INSPECTIONS DIVISION TO DEMOLISH THE DWELLING KNOWN AS 18 IVEY STREET, ASHEVILLE, NORTH CAROLINA

Mayor Michalove stated that this public hearing was postponed from March 31, 1992, without further advertisement. He then opened the public hearing at 4:20 p.m.

City Clerk Wolcott presented the notice to the public setting the time and date of the public hearing.

Mr. Bob Hixson stated that 18 Ivey Street is a two-story dwelling which has been severely damaged by fire. He said that all proper notifications have been made and the -3-

owner has signed a Consent to Demolish form. He showed a short video which showed how severely damaged the structure is. He said the Department of Public Works will demolish it for approximately \$2,500 at which time the owner will be billed for the cost. If she is unable to pay, the City will place a lien against the property.

Vice-Mayor Ellison inquired about whether or not the City could immediately start foreclosure proceedings as soon as a lien is placed on the property. City Attorney Slawter responded that in some instances there are a lot of back taxes due on the property and it wouldn't be feasible for the City to institute foreclosure proceedings on some structures that need to be demolished because the City would incur additional costs in legal fees and payment of taxes owed to the County.

Upon inquiry of Vice-Mayor Ellison, Mr. Hixson stated that as of July, 1991, the owner owed \$2,506 in back taxes. He said that the value of the land without the house is \$2,400.

In response to Vice-Mayor Ellison's question about whether or not the Fire Department could use this structure as a training structure and burn it, Fire Chief John Rukavina said that the Fire Department is limited to only 8 training burns a year and felt this structure would not be a good training exercise.

Mayor Michalove closed the public hearing at 4:31 p.m.

Mayor Michalove said that members of Council have been furnished with copies of the ordinance and it would not be read in its entirety.

Councilman Moore moved for the adoption of Ordinance No. 1968. This motion was

seconded by Councilman Worley.

On a roll call vote of 7-0, Ordinance No. 1968 passed on its first reading.

Councilman Moore moved to suspend the rules and proceed to the second reading of Ordinance No. 1968. This motion was seconded by Councilwoman Field and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1968 passed on its second reading.

Vice-Mayor Ellison moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1968. This motion was seconded by Councilman Worley and carried unanimously.

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On a roll call vote of 7-0, Ordinance No. 1968 passed on its third and final reading.

ORDINANCE BOOK NO. 13 AT PAGE 44

III. OLD BUSINESS:

A. BRACKETTOWN ROAD AND WHITE PINE DRIVE REPORT

City Manager Bean summarized the City Council actions relative to the intersection of White Pine Drive and Brackettown Road as follows:

1. December 8, 1987 - A public hearing was held before City Council on the Asheville Mall expansion. After a discussion of the matter, the public hearing was continued for two weeks in order to obtain all information possible relative to alternatives to alleviate traffic problems on Brackettown Road and White Pine Drive.
2. December 22, 1987 - The continuation of the public hearing was held. At that time, the City Council approved the site plan subject to the 9 conditions recommended by the Planning & Zoning Commission and also contingent upon staff approval of the landscaping and lighting plans and construction by the Mall of a "T" intersection at Brackettown Road and White Pine Drive according to City standards and as approved by City staff. Other recommendations were made.
3. 1988 - A dispute arose between the developer and the City as to how the intersection should be constructed, culminating in the developer filing a lawsuit against the City on December 13, 1988.
4. 1989 - After the trial on the matter, the trial court judge determined that the intersection could be constructed with a minimum "Y" angle intersection of 60 degrees. The City appealed that decision to the North Carolina Court of Appeals.
5. 1990 - The North Carolina Court of Appeals overruled the trial court and determined that the approval of the site plan by the City intended that the intersection be constructed as a "T" -5-
intersection, having a driveway angle of 90 degrees. The developer asked the North Carolina Supreme Court to review the matter. On September 4, 1990, the Supreme Court denied that request for review.
6. October, 1990 through July, 1991 - Discussions were held involving City representatives, the developer and representatives of the Kenilworth Forest

Residents Association with regard to reconstruction of the intersection and widening of White Pine Drive from Brackettown Road to Tunnel Road.

7. August 6, 1991 - The matter was next considered by the City Council, at which time the City Council requested that City staff develop a plan for a "T" intersection at Brackettown Road and White Pine Drive; that the plan be submitted to the Kenilworth Forest Residents Association for review prior to the plan being submitted to City Council; and that the plan not include the widening of White Pine Drive for a full lane of traffic.

8. October 29, 1991 - The City Council was to consider a report on the matter but the matter was still under discussion and so it was postponed until November 19, 1991.

9. November 19, 1991 - A report was made to City Council with regard to the "T" intersection at White Pine Drive and Brackettown Road. At that time, the City Council determined to postpone action on the matter for 90 days and to request City staff to develop a detailed set of plans and specifications showing the City's plans for the intersection.

10. No City Council action on this matter has been taken since November 19, 1991.

City Manager Bean then stated that the developer has submitted an alternative plan which provides for a double left turn lane onto Tunnel Road, the expansion of Brackettown Road, a right hand turn exit lane, an incoming lane and realignment of White Pine Drive (Plan B). The City's plan which was requested by Council on November 19, 1991, provides for the developer to construct a "T" intersection at White Pine Drive and Brackettown Road (Plan A). At this time he passed out the plans to Council members.

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Mayor Michalove stated that the Council had two actions which they could take today: 1) To accept the City's Plan A and have the developer construct the "T" intersection; or 2) If Council does something other than accept the City's Plan A, set a public hearing to amend the group development plan.

At the request of Vice-Mayor Ellison relative to a conflict of interest concern, City Attorney Slawter said he saw no conflict of interest for Vice-Mayor Ellison in his representing a man who is employed at the Asheville Mall on a criminal matter.

Mr. Richard L. Coleman Jr., representing the Asheville Mall, spoke about how the Mall has been working with the North Carolina Department of Transportation (hereinafter "DOT") in the synchronization of the light system on Tunnel Road. He quoted traffic studies done in the area (in particular a letter dated January 27, 1992, from William D. Smart, Division Engineer, DOT, stating that the intersection traffic count was 370 cars an hour at an intersection which should only handle 35 cars an hour) and felt that Plan B would overall alleviate these problems.

Upon inquiry of Councilman Swicegood about the installation of a traffic light, Mr. Coleman responded that DOT said that the traffic light at the intersection of Tunnel Road and White Pine Drive was too close to install a light at the intersection of White Pine Drive and Brackettown Road.

Councilman Swicegood asked if the traffic count done by DOT showing that at the intersection there was 370 cars an hour was an average count for a random day. Mr. Coleman responded that the count done by DOT at that intersection was for

December 19 and 20, 1991.

Upon inquiry of Councilman Peterson about how long construction of Plan B would take, Mr. Coleman responded that the total construction would take approximately 10 days and can be scheduled to start in about 6 weeks.

Vice-Mayor Ellison was concerned about the safety of the residents of the Kenilworth Forest Residents Association.

Councilwoman Field asked that if Plan B was approved, would buses have an easier access to the Mall. Mr. Coleman stated that they would have an easier access but that buses just add a lot of congestion to any area.

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Councilman Worley stated concerns about the safety of the residents coming down White Pine Drive and wanting to make a right turn at the intersection of Tunnel Road and White Pine Drive. He stated that they would in fact have to cross three lanes of traffic to make that right turn.

Mr. Ken Putnam, Traffic Engineer for DOT, stated that the computerized traffic light system would be in place soon on Tunnel Road. He gave traffic count statistics for the intersection in question. He stated that because of the number of vehicles through that intersection in an hour a dual left turn lane is suggested. He said that statistics show that only 20% of the traffic movement would be making a right hand turn on Tunnel Road. He said that traffic counts are performed at existing conditions on a typical day.

Upon Councilman Moore's inquiry, Mr. Putnam stated that the City's Plan A would allow the most unrestricted access for the residents to Tunnel Road by making the Mall traffic coming off of Brackettown Road make a complete stop.

Upon inquiry of Vice-Mayor Ellison, Mr. Putnam felt that there would be no real safety problem if the City approved Plan A, but felt that Plan B would help the more efficient movement of traffic. He stated that it was very possible that the City would have to improve the traffic problems at that intersection in the next ten years.

Vice-Mayor Ellison asked the City Manager for a report on the number of traffic accidents at that intersection.

Mr. Hugh Murphy, 49 White Pine Drive, President of Kenilworth Forest Residents Association, stated that the Association had approved the City's Plan A in February of 1992 and they did not even know about the developer's Plan B until the end of last week. He stated that he did, however, receive the letter Mr. Coleman was referring to from DOT on April 11. He gave a brief history of this intersection problem from the residents' standpoint. He said the Association supports Plan A 100%. He felt that Plan B would deter emergency vehicles from being able to get onto White Pine Drive in an emergency situation. He felt that this issue is not a traffic problem but a neighborhood problem.

Councilman Swicegood felt that there was in fact a traffic problem at that intersection because the traffic coming from the Mall is just too aggressive.

Upon inquiry of Councilman Peterson, Mr. Murphy stated that not all the Residents Association had an opportunity to look at Plan B.

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Vice-Mayor Ellison suggested City staff address the emergency vehicle and

school bus issues as it relates to gaining access to White Pine Drive on Plan B.

Vice-Mayor Ellison moved to schedule a public hearing on May 5, 1992, in order to: 1) give all parties involved an opportunity to study the two different plans, 2) study the information from the City Manager on accidents in that area; and 3) study the information relative to safety issues relating to emergency vehicles and school bus access onto and off of White Pine Drive. Councilman Moore seconded this motion and it carried unanimously.

Mayor Michalove again reminded the audience of the above two actions which Council had authority to do at the meeting today.

At 5:40 p.m. it was the consensus of Council to take a 5 minutes recess.

City Attorney Slawter said that the above motion made by Vice-Mayor Ellison was proper and that at the public hearing on May 5, 1992, Council could either approve the "T" intersection plan or, approve a revised intersection plan.

Vice-Mayor Ellison moved that the above motion be amended to reflect that the Council consider such approval at the public hearing scheduled for May 5, 1992. Councilman Moore seconded the amendment and it carried unanimously.

Vice-Mayor Ellison invited comments from members of the audience who would like to go on record.

Mr. Harold Payne, Past President of the Kenilworth Forest Residents Association, could not understand why this action was still going on when the North Carolina Court of Appeals upheld the City's approval of the site plan in December of 1987, which required the Asheville Mall to construct a "T" at the questioned intersection.

Mr. Fred Martin, 11 Spring Park Road, spoke about safety concerns for the residents coming off of White Pine Drive and urged the City Council to support Plan A.

A resident at 5 Reservoir Road felt that the Plan B would not solve the traffic problems at that intersection and was very much concerned about emergency vehicles gaining access onto White Pine Drive during the Christmas holidays.

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Mr. Phil Noblitt, 297 White Pine Drive, felt that Plan A does improve the site and felt that Plan A meets some of the concerns of the residents and also some of the concerns of the Mall.

Ms. Dena Snipes, 47 White Pine Drive, felt that in the winter time with snow and ice on White Pine Drive, cars will have a hard time stopping at the stop sign if Plan B is approved.

Mr. David Fore, 4 East Shore Drive, concern about the amount of time it has taken to obey the Court order instructing the Asheville Mall to construct the "T" intersection.

Mr. Rendall Davis, 285 White Pine Drive, Past President of the Kenilworth Forest Residents Association, stated that the Asheville Mall already has 4 other entrances and 3 other exits and felt that the White Pine Drive entrance should not be another main entrance and exit for Mall patrons. He stated that there is a safety problem in that area and urged the Council to act on Plan A.

Ms. Leni Sitnick, 90 Gertrude Place, felt that the neighborhood is already being infringed upon by having the Mall so close to their neighborhood. She said the residents already have to fight the traffic every day and not only once or twice a week like the patrons of the Mall. She asked Council to be fair in their decision and supported Plan A.

Ms. Ilene Rowe, 26 East Shore Drive, felt there was a safety problem at that intersection and supported Plan A.

B. UNIFIED DEVELOPMENT ORDINANCE REPORT

Councilman Moore stated that since January the Mayor's Committee on the UDO has had three meetings at which time they have received reports from the UDO subcommittees, received the public policy issues as identified by the UDO Committee, and have instructed the Planning staff to start writing the proposed draft insofar as it is possible before the City Council comes to grips with the problem of the public policy issues. He said it has also considered a wide range of alternates and options for possible future conduct of the UDO project and after considering these carefully, the committee has decided to recommend to the rest of the City Council to defer any more action by the UDO Steering Committee until City Council has settled the major public policy issues and until the writing by the staff of the -10-

tentative first draft of the ordinance is completed, with the understanding that the UDO Steering Committee will continue to be involved in a meaningful way in the ultimate presentation of the new ordinance to the public at an appropriate time.

Mayor Michalove said that since this is the first time the Council has heard this recommendation from the Committee, he would recommend that the Council take this recommendation under advisement and take no action on it today, but set a time at a later date when the Council decides how to deal with the UDO process in the future.

Councilman Moore moved to take the recommendation if the Mayor's Committee under advisement and set a time at a later date to decide how the Council will deal with the UDO process in the future. This motion was seconded by Councilwoman Field and carried unanimously.

Upon inquiry of Vice-Mayor Ellison, Councilman Moore said that 80% of the draft of the tentative ordinance can be completed without Council deciding on the major public policy issues. He said that they would not contemplate finalizing the first draft until after the public policy issues had been decided by the Council and then the first draft would be completed to reflect the Council's decisions on those public policy issues.

Vice-Mayor Ellison hoped the City Council would study the public policy issues and be prepared to attend one worksession where possibly all the issues could be dealt with at one time.

IV. NEW BUSINESS:

A. RESOLUTION NO. 92-51 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT TO ESTABLISH AND IMPLEMENT THE FIRE INVESTIGATION SUPPORT TEAM

Fire Chief John Rukavina said that in 1991 the City Council expressed in resolution form its support of a county-wide "arson task force" to deal with arson throughout Buncombe County. This arson task force concept has been worked out in the form of a cooperative interlocal agreement with the County of Buncombe. Execution of the agreement will formally initiate a joint effort on

the part of Asheville and Buncombe County to combat arson and bring arsonists to justice throughout Buncombe County.

Mayor Michalove stated that members of Council have been furnished with copies of the resolution and it would not be read in its entirety.

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Vice-Mayor Ellison moved for the adoption of Resolution No. 92-51. This motion was seconded by Councilman Worley and carried unanimously.

RESOLUTION BOOK NO. 19 AT PAGE 163

B. TREE/GREENWAY COMMISSION REPORT ON STREET TREE

PLANTING

Ms. Susan Roderick, Chairman of the Asheville Tree/Greenway Commission, read the following excerpt of the minutes of a special meeting held by the Asheville Tree/Greenway Commission on April 13, 1992: "Because of the problems discovered with the planting of street trees on Patton Avenue, Julian Price made a motion requesting the Asheville Tree/Greenway Commission present an amended street tree plan for Patton Avenue from French Broad Avenue to Clingman Avenue requesting a tree lawn from 3' to 5' wide depending on the total width of the sidewalk. This street lawn is to be placed on the curb side of all sidewalks and incorporates the space set aside for the location of street light poles. The Tree/Greenway Commission feels that this tree lawn is better for the aesthetics, better for the health of the trees, and less expensive. It is understood that this change will not delay the project or add to the cost of the project. This motion was seconded by Karen Cragolin and adopted unanimously."

Mr. Julian Price, member of the Tree/Greenway Commission, stated that frames for the 4x4 tree grates are

\$275 and the grates themselves are \$500 each. He felt that if the City has not ordered these items, a tree lawn might save the City some money. He said that there is a lot of flexibility in using a tree lawn and not only grass has to be planted, but brick or stone can be used.

Upon inquiry of Councilman Peterson, Mr. Price stated that the average life of a downtown tree is 10 years. Mr. Price felt that a tree lawn would give the roots of the trees more room to grow and therefore live longer.

Councilwoman Field stated that maintenance of the tree lawn is an issue to be dealt with. She said that the property owners will have the responsibility of keeping the lawn in front of their businesses mowed and clean. She did state, however, that there has been positive issues from the property owners about having a tree lawn.

Upon inquiry of Vice-Mayor Ellison, Assistant City Manager Charles Penny said that APAC-Carolina has not yet had an opportunity to give the City a price on the tree lawn versus the tree grates.

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Vice-Mayor Ellison felt that before any decisions are made, the City should wait for APAC-Carolina's financial figures, the City's engineer should look at the plan, and the Streetscape Committee should have an opportunity to look at this plan.

Councilman Peterson questioned the responsibilities of the Tree/Greenway Commission, the Streetscape Committee and the Public Works Department and who actually makes the final decisions in tree and greenway plans for the City. He felt that this was an important gateway into the City and we need to do the project right. He felt the Tree/Greenway Commission needs to be more advised and information to them more consistent.

Mayor Michalove asked the City Manager prepare a report for Council as soon as possible to include the financial information from APAC-Carolina and the advantages and disadvantages of having a tree lawn as proposed by the Tree/Greenway Commission.

Mayor Michalove also asked the City Manager to prepare a summary of how the tree grates came to be in this project, the portion of the ordinance as it relates to the Tree/Greenway Commission and how decisions have been reached for projects in the past.

Ms. Roderick suggested a Planning Department staff person attend the Tree/Greenway Commission meetings to let them know of upcoming projects. She also said that Al Kopf in the Parks and Recreation Department has been a very good liaison between them and the City.

Ms. Leni Sitnick, member of the Tree/Greenway Commission, felt that there is maintenance of any sidewalk, not only the tree lawns. She encouraged the Council to use the design skills and technological skills of the members of the Tree/Greenway Commission and members in the community and urged them to use the tree lawn on this project.

Ms. Karen Cragolin spoke in support of using the tree lawns in this project.

C. RESOLUTION NO. 92-52 - RESOLUTION AUTHORIZING EXECUTION OF AN AMENDMENT AGREEMENT WITH THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO FURTHER FAIR HOUSING WITHIN THE CITY OF ASHEVILLE

City Manager Bean said that this agreement will amend the Memorandum of Understanding that was executed with HUD -13-

in 1987 which describes procedures to be followed by HUD and the City in the processing of complaints related to housing discrimination. The amended Agreement will provide for rights and remedies under the amended Fair Housing Law.

Mayor Michalove said members of Council have been furnished with a copy of the resolution and it would not be read.

Vice-Mayor Ellison moved for the adoption of Resolution No. 92-52. This motion was seconded by Councilman Worley and carried unanimously.

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D. RESOLUTION NO. 92-53 - RESOLUTION AWARDED THE BID FOR STREET AND SIDEWALK REHABILITATION PROJECT (CONTRACT NO. 6) TO PAVING ENTERPRISES, INC., AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL NECESSARY AGREEMENTS RELATED THERETO

City Manager Bean said that City staff recommends awarding Contract No. 6 to Paving Enterprises, Inc. They also recommend that streets above a 60 rating be removed from this contract as well as Contract No. 11. He said that

by removing the streets above 60, the City can reduce the contracts by a total

of \$938,512. He said although the amounts of the contracts are being reduced, Contract No. 6 as recommended is \$1,086,305 above the budgeted amount.

He said that after moving forward with these contracts, the City recommends bidding Contract No. 13. Contract No. 13 includes streets in the east and south Asheville. The major reason for recommending Contract No. 13 versus Contract No. 12 is that the consulting engineer for Contract No. 12 will have two other street bond projects underway, and we are concerned about overloading the engineering firm.

Mayor Michalove said members of Council have been furnished with a copy of the resolution and it would not be read.

Councilman Moore moved for the adoption of Resolution No. 92-53. This motion was seconded by Councilman Worley and carried unanimously.

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E. RESOLUTION NO. 92-54 - RESOLUTION AWARDING THE BID FOR STREET AND SIDEWALK REHABILITATION PROJECT (CONTRACT NO. 11) TO APAC-CAROLINA, INC., AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL NECESSARY AGREEMENTS RELATED THERETO

City Manager Bean said that City staff recommends awarding Contract No. 11 to APAC-Carolina, Inc. They also recommend that streets above a 60 rating be removed from this contract as well as Contract No. 6. He said that by removing the streets above 60, the City can reduce the contracts by a total of \$938,512. He said although the amounts of the contracts are being reduced, Contract No. 6 as recommended is \$1,086,305 above the budgeted amount.

He said that after moving forward with these contracts, the City recommends bidding Contract No. 13. Contract No. 13 includes streets in the east and south Asheville. The major reason for recommending Contract No. 13 versus Contract No. 12 is that the consulting engineer for Contract No. 12 will have two other street bond projects underway, and we are concerned about overloading the engineering firm.

Mayor Michalove said members of Council have been furnished with a copy of the resolution and it would not be read.

Councilman Worley moved for the adoption of Resolution No. 92-54. This motion was seconded by Councilman Moore and carried unanimously.

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F. BIDS FOR ONE FIRE TRUCK WITH 100 FOOT AERIAL/LADDER TOWER FOR THE FIRE DEPARTMENT

City Manager Bean recommended the low bidder, Grumman Emergency Products, Roanoke, Virginia, for one 1992 "Grumman Emergency Products" Model Panther I Low Profile cab and chassis with "Grumman Emergency Products" Model Aerial 100% Modular body and Model Aerialcat 102' Ladder Tower for a total of \$445,968.26. He said that funds are budgeted in the Capital Improvements Program for Fiscal Year 1991-97.

Councilman Moore moved to award the bid to Grumman Emergency Products for one fire truck with a 100 foot aerial/ladder tower for the Fire Department in the amount of \$445,968.26. This motion was seconded by Vice-Mayor Ellison and

carried unanimously.

A copy of the bid summary is attached hereto as Exhibit "A".

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V. CONSENT: None

VI. OTHER BUSINESS:

A. DAVE JOHNSON - RECYCLING REQUEST

Mr. Dave Johnson urged the City Council to get more involved in recycling.

B. RESOLUTION NO. 92-55 - RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ASHEVILLE TO RECONVEY REAL PROPERTY TO CAROLINA WATER SERVICE INC.

City Manager Bean said that in March of 1991, the Asheville-Buncombe Water Authority authorized negotiation with Carolina Water Service, Inc., for the purchase of the Mt. Carmel water system. He said that Carolina Water Service, Inc., conveyed the Mt. Carmel water system to the City of Asheville, but inadvertently conveyed an abandoned sewage treatment plant in the Mt. Carmel Acres. He said this resolution will authorize reconveyance of that real property to Carolina Water Service, Inc.

Mayor Michalove said members of Council have been furnished with a copy of the resolution and it would not be read.

Councilman Moore moved for the adoption of Resolution No. 92-55. This motion was seconded by Councilwoman Field and carried unanimously.

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C. CLAIMS

City Manager Bean said the following claims were received by the City of Asheville during the week of April 6 - 10, 1992: L.J. Realty (Water) and Andrew Blakeney (Police).

He said these claims have been referred to the appropriate insurers for investigation.

VII. ADJOURNMENT

Mayor Michalove adjourned the meeting at 7:25 p.

CITY CLERK MAYOR
